

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554
May 23, 2002

In Reply Refer To:
1800B3-GDG

Marissa G. Repp, Esq.
Hogan & Hartson L.L.P.
555 Thirteenth Street, NW
Washington, D.C. 20004-1109

In re: WTVN(AM), Columbus, OH
Facility No. 11269
File No. BP-19971126AF
File No. BP-19980908AA

Dear Ms. Repp:

This letter concerns the uncontested May 1, 2002 notification filed on behalf of Citicasters Licenses, Inc. ("Citicasters") that the referenced construction permits be treated pursuant to the tolling provisions of 47 C.F.R. § 73.3598(b)(ii). For the reason detailed below, we grant tolling for both permits.

The referenced permits to modify Citicasters' licensed facilities were granted September 16, 1999 to improve WTVN(AM)'s nighttime and daytime coverage. Both permits expire September 16, 2002.

You indicate that the permits have been encumbered since December 21, 1999, when the Trustees of Washington Township, Ohio initiated litigation in the Court of Common Pleas, Pickaway County, to enjoin Citicasters from further construction. At issue is whether Citicasters is subject to local zoning regulation or is exempt under a local provision relating to "public utilities." The judicial matter has since progressed to the Court of Appeals of Pickaway County, the Court of Appeals of Ohio, and, most recently, to the Supreme Court of Ohio, where it is currently pending. We agree that this matter qualifies for tolling under 47 C.F.R. § 73.3598(b)(ii).

Although we are granting this request, we caution Citicasters that such requests for treatment pursuant to the Commission's tolling rules, 47 C.F.R. § 73.3598(c), generally must be filed within 30 days of the claimed event. This timing is for the applicant's benefit. Applicants failing to comply with this rule may have difficulty documenting the event and place themselves at risk of learning of a potential denial of tolling after their authorization already expired.

Accordingly, Citicasters' May 1, 2002 request for tolling of the Commission's construction period rules, 47 C.F.R. § 73.3598(a), IS GRANTED. Upon notification to this office, pursuant to 47 C.F.R. § 73.3598(d), that the Court proceeding has been

resolved, we will permanently modify the Commission's records to reflect the appropriate expiration date. In the interim, pursuant to 47 U.S.C. § 308(b), we request that you provide status reports on this matter at six-month intervals hereafter, with the first report due November 23, 2002.

Sincerely,

Peter H. Doyle, Chief
Audio Division
Office of Broadcast License Policy
Media Bureau